

**TOWN OF DAVIE  
REGULAR MEETING  
NOVEMBER 6, 2002**

**1. PLEDGE OF ALLEGIANCE**

The meeting was called to order at 7:00 p.m. and was followed by the Pledge of Allegiance.

**2. ROLL CALL**

Present were: Mayor Venis, Vice-Mayor Clark, Councilmembers Paul, Starkey, and Truex. Also present were Town Administrator Willi, Town Attorney Kiar and Town Clerk Muniz recording the meeting.

**3. OPEN PUBLIC MEETING**

Mayor Venis advised of the rules of the Open Public Hearing.

Dorothy Tillinghast, 3665 West Valley Green Drive, commemorated the second anniversary of the Davie Community Bus Service. She asked Council to implement a return bus service. Mayor Venis asked Mr. Willi if Public Relations Coordinator Susan Dean was exploring this problem. Mr. Willi stated that there were two buses and there was "down time" because the buses made a loop around the community. He stated that a grant had been applied for to obtain an additional bus so that the existing routes could be expanded.

Lorraine Yeomans, 2621 West Abiaca Circle, representing the Ridge on Nob Hill Homeowners Association, requested that the recreation easement be removed from the backyards of the Ridge in the Nob Hill community. She indicated that the easement caused problems such as liability and privacy issues because the homeowners were responsible for maintenance of the easements. Ms. Yeomans stated that the property owner's rights were being violated.

Mayor Venis asked Mr. Willi to add this issue to a future agenda. Mr. Willi recommended that the Open Space Advisory Committee hear this issue and then make a recommendation to Council. He stated that this exact situation occurred on more than 70% of the trails in the Town. Mr. Willi cautioned Council about making an exception because it would set precedence for other communities.

Councilmember Starkey indicated that this was a unique instance where the developer had traded open space for an individual owner's backyards. She felt this community had a valid concern and asked that the community meet with staff and Mr. Willi on this issue. Councilmember Starkey felt the residents were being punished for a deal made by former Council and developers and indicated that a proposed buffer was never installed. Mayor Venis advised that staff should look at this issue first.

Roberta Sarchet, 8123 Nova Drive, indicated that the owners had outlined a plan to build four new condominium buildings. She indicated that she and her fellow residents would like an opinion from the Council, relative to the Rural Lifestyle Initiative, on whether they would approve such a request if it had come to them at this time. Ms. Sarchet also complimented Council on their dedication to preservation of rural character.

Doug Christie, resident of the Ridge on Nob Hill, spoke about the easement along the recreation trail and his concerns regarding liability. He indicated that the residents were not looking to eliminate the trail; however, they wanted to move the easement back 15 feet.

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Richard Casale read a statement from HTS Towing and felt that his company was being punished for not using lobbyists. He asked why this service was being put out for bid if Council had voted on having a workshop to address the issue. Mr. Willi indicated that his memo informed Council that all existing bids were to be thrown out and new bids would be solicited. He added that there would be a Council workshop.

David Howard, 2821 West Abiaca Circle, felt the easement was unsafe as horses and riders raced through the area and could trample a child. He also spoke of sanitation concerns.

Mark Inacasso, 2701 West Abiaca Circle, spoke of the history of the recreation trail and Nob Hill Road. He was in favor of the Open Space Advisory Committee addressing this issue and asked that Council consider this in an expeditious manner.

Wayne Arnold, Commissioner of Central Broward Water Control District, spoke on behalf of Dave Donzella who wished to thank the residents of Davie who elected him to the Central Broward Water Control District.

Joan Perogona, 8540 SW 15 Court, spoke of a neighbor who was living in an uninhabitable house. She spoke of the unhealthy living conditions that existed on the property and indicated that she had received no relief from Code Compliance. Mayor Venis instructed Code Compliance Official Danny Stallone to assist Ms. Perogona with this concern.

Richard Myers, 1700 SW 83 Avenue, spoke of rumors he heard regarding Arrowhead Condominiums and he believed that the sale agreement fell through.

Norm Blanco, representing the Associations of Nova Drive, thanked Council and Mr. Willi for their efforts in acquiring the property on SW 71 Avenue.

Mike Bender, 14800 SW 31 Court, spoke of the Rick Case Honda Bike Rally. He also spoke of the Volunteer Emergency Response Team initiated by Rick Case Honda and stated that they would be willing to help out in all emergencies. Councilmember Paul asked if the Team would be willing to assist the EASE Foundation with transporting food collected at schools to the Foundation's headquarters. Mr. Bender responded in the affirmative.

#### **4. PRESENTATIONS**

##### **4.1. Regional Activity Center @ Nova Southeastern University - EDSA**

Mayor Venis advised that item 4.1 was rescheduled until November 20, 2002.

Mayor Venis advised that item 9.4 was withdrawn by the petitioner; however, there were residents who wanted to speak on this issue.

9.4 Barbara Hall, representing the petitioner, indicated that in light of the Regional Activity Center (RAC) plan submitted by Nova Southeastern University, the petitioner would like to request that this item be withdrawn. She stated that her client was still interested in a mixed-use project on the property in question.

Councilmember Paul indicated that she was reluctant to reduce the area of the RAC; however, she would be willing to help residents get some mixed-use in the area in question. Councilmember Starkey advised that there was a Broward County code that might be applicable and encouraged Ms. Hall to continue to work with the residents regarding future plans.

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Mr. Margolis, the petitioner, provided renderings depicting the elevations of a proposed mixed-use project.

Mayor Venis opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Vicki Augustus-Fidelia, 4271 SW 82 Way, spoke of some of the residents concerns, such as the number of units and the aesthetic look of the project. She was encouraged that the petitioner was willing to work with residents.

Lisa Reardon, 4331 SW 82 Way, spoke of the benefits of living in the Town. She was concerned with the environmental impacts of the project in question and encouraged Council to consider part of the land for open space.

Joe Cosner, 4451 SW 77 Avenue, felt the project did not provide enough parking spaces and he was concerned that roadways would be blocked by emergency vehicles and trucks. He was also concerned with drainage issues and indicated that he was not in favor of a high-density project.

Mayor Venis closed the public hearing.

Councilmember Paul made a motion, seconded by Councilmember Starkey, to accept the withdrawal. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Venis advised that items 9.7 and 9.8 had been requested to be tabled until December 4, 2002.

Councilmember Paul made a motion, seconded by Vice-Mayor Clark, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Venis advised that item 12.2 needed to be added.

Councilmember Paul made a motion, seconded by Vice-Mayor Clark, to add. In a voice vote, all voted in favor. (Motion carried 5-0)

#### 12.2 Reconsideration of August 7, 2002 minutes

Councilmember Paul made a motion, seconded by Vice-Mayor Clark, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Venis advised that item 12.3 was to be added.

Councilmember Paul made a motion, seconded by Vice-Mayor Clark, to add. In a voice vote, all voted in favor. (Motion carried 5-0)

#### 12.3 TU 11-2-02, Nova Southeastern University.

Councilmember Truex asked why this was an emergency. Mr. Willi explained that the temporary use process was new to the Town and he was requesting leniency because it was a time sensitive matter for the University.

Councilmember Paul made a motion, seconded by Vice-Mayor Clark, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

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5. **MAYOR/COUNCILMEMBER'S COMMENTS** (the following comments were provided later in the meeting)

**MAYOR VENIS**

**SW 76 AVENUE.** Mayor Venis asked that this issue be placed on a future agenda.

**AT& T.** Mayor Venis reported that he had met with representatives of AT&T regarding cable television service. He asked that AT & T be invited to make a presentation at a future Council meeting.

**SW 58 AVENUE MITIGATION SITE.** Mayor Venis asked for an update on this project be given at a future Council meeting.

**COMMENDATIONS.** Mayor Venis commended Code Compliance staff members Danny Stallone, Ernie Criscetello, and Micki Mackenzie for their attention to concerns in the Rolling Hills community.

**ST. BERNADETTE'S CHURCH.** Mayor Venis advised that he had received a letter from the County regarding a traffic signal by the church. The County was studying the issue and would act accordingly.

**PAL BUILDING DEDICATION.** Mayor Venis stated that the ribbon cutting ceremony was very exciting and the new facility was wonderful.

**COUNCILMEMBER PAUL**

**NATIVE AMERICAN PROCLAMATION.** Councilmember Paul asked that this proclamation be added to the next agenda.

**RICK CASE.** Councilmember Paul thanked Mr. Case for welcoming voters on Election Day and for his generosity.

**THANK YOU.** Councilmember Paul thanked everyone who offered condolences for the untimely passings of her brother-in-law and Joy Yoder.

**COUNCILMEMBER STARKEY**

**CONDOLENCES.** Councilmember Starkey offered condolences to the Roth family for the passing of Terry Roth.

**FOREST RIDGE.** Councilmember Starkey spoke of the entranceway to this community and stated there was a drainage problem there. She stated that Public Works/Capital Projects Director Bruce Bernard and Town Engineer Larry Peters were offering guidance in this matter even though the area was owned and maintained by the developer. Councilmember Starkey stated that the homeowner's association was considering asking the Town to take over the maintenance of the entrance road to Forest Ridge. She referred to an e-mail she, Mayor Venis, and Mr. Willi had received from the president of the homeowner's association regarding this issue.

Mr. Willi advised that he had responded to the e-mail. He had asked to meet with the president and further discuss his proposal and what reservations the Town might have.

**LAND ACQUISITION.** Councilmember Starkey reported that the Land Acquisition Board and the County had approved \$2 million for the proposed wetland site. She stated that she was going to Tallahassee to further lobby for this.

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**CITIZEN RESPONSE CORPS.** Councilmember Starkey gave Assistant Chief Robert McDaniel research information regarding the Citizen Response Corps.

**SCHOOL NURSES.** Councilmember Starkey stated that the League of Cities Education Subcommittee had recently met regarding this issue. She spoke of disparities between schools and legislation that was passed. Councilmember Starkey stated there was a partnership program for volunteers who could get certification hours.

**COUNCILMEMBER TRUEX**

**FOREST RIDGE ROADWAY.** Councilmember Truex indicated that he was in favor of the Town taking over the maintenance of this roadway as long as the Town was prepared to offer the same services to any community that might come forth with similar situations.

**APOLOGIES.** Councilmember Truex offered his apologies to Councilmember Paul for his disapproval of her attendance via telephone at a prior meeting. He stated that he was not in favor of this, but did not mean to criticize Councilmember Paul.

**RISING STAR SOFTBALL TOURNAMENT.** Councilmember Truex reported that the event was very successful and had a good impact on local businesses.

**GRIFFIN ROAD CORRIDOR.** Councilmember Truex referred to businesses on this corridor and stated that some were not in compliance with the Town's Code. He wanted to know if staff could report on those that were out of compliance.

**IMAGINATION FARMS.** Councilmember Truex referred to dirt removal and stated that there was a rumor the trucks were using Orange Drive. Mr. Willi stated that this matter had been resolved.

**HOLSUM BAKERY.** Councilmember Truex asked if the concerns with the roadway had been resolved. Mr. Willi stated that the issue was being worked on. Mr. Bernard explained that the road was made into a one-way road and described the history of the problems there. He was working with the company and hoped that they would widen their entranceway. Vice-Mayor Clark felt the Town should assist with this problem.

**VICE-MAYOR CLARK**

**PAL DEDICATION.** Vice-Mayor Clark thanked present and past Councilmembers for making this project come to fruition.

**SW 58 AVENUE.** Vice-Mayor Clark referred to recommendations made to Engineering regarding speed concerns on this road and asked for an update. Mr. Willi stated that staff also wanted to consider SW 61 Avenue, SW 71 Avenue, and SW 76 Avenue. He reported that they had communicated with the County and the Florida Department of Transportation and they had responded that the Town could not put stop signs up to slow traffic. Mr. Willi stated that an update with recommendations was forthcoming.

**SILVER LAKE.** Vice-Mayor Clark referred to the pending project and wanted to know why the park was being stalled. She wanted to see this project begin because it had been postponed for too long.

**JOLMY ENTERPRISES.** Vice-Mayor Clark spoke of the Office of Trade, Tourism, and Economic Development agreement and how it related to Jolmy Enterprises and how the Town had handled this grant. She asked for a special Council workshop to address this as it was very

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complicated. Vice-Mayor Clark felt that if this grant was lost it would be a “black eye” for the Town.

Mr. Willi reported that special counsel Michael Burke had reviewed the files and explained that it was Jolmy Enterprises responsibility to file for permits and site plan and begin vertical construction in order to save the grant. Vice-Mayor Clark had concerns regarding the communication process and still felt that clarification was necessary.

Mayor Venis agreed that a special workshop should be scheduled regarding this issue. Councilmember Starkey asked that a timeline and synopsis of all events be provided to Council prior to the workshop.

Councilmember Starkey asked about the M & R project and wanted to know why they had not yet received their funding. Mr. Willi clarified the funding issue and stated that they already received part of the money; however, they would not get their money until the property was under construction.

Mayor Venis asked Mr. Willi to be in attendance at a meeting he was scheduled for on November 8th with the Young at Art Museum regarding this issue.

**6. TOWN ADMINISTRATOR’S COMMENTS** (the following comments were provided later in the meeting)

**NOVA HIGH SCHOOL.** Mr. Willi spoke of improvements done at Nova High School through a partnership with the School Board of Broward County. He announced that the School Board was offering an additional \$315,000 to the Town for further improvements of this property. Mr. Willi stated that this was a joint use project.

**GRANTS.** Mr. Willi stated that the Town received a grant for \$372,000 from the Department of Environmental Protection. Also, the Homeland Security Grant was awarded to the Police and Fire Departments, which would allow the Town’s emergency services to triple their GIS capabilities. The grant was for approximately \$100,000.

**7. TOWN ATTORNEY’S COMMENTS** (the following comments were provided later in the meeting) Mr. Kiar welcomed back Councilmember Paul.

**8. CONSENT AGENDA**

*Minutes*

- 8.1. August 26, 2002 - Workshop Meeting
- 8.2. September 4, 2002 - Regular Meeting
- 8.3. September 18, 2002 - Regular Meeting

*Proclamation*

- 8.4. Davie Family Week (November 24 - 30, 2002)

*5K/15K Runs*

- 8.5. Broward Coalition for the Homeless (February 22, 2003)

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*Home Occupational Licenses*

- 8.6. CDC Financial Corporation, 11311 SW 25 Court
- 8.7. Sparkle Ceilings, Inc., 14510 SW 24 Street
- 8.8. Verstec Electric Incorporated, 4020 SW 108 Terrace

*Resolutions*

- 8.9. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN FOREST RIDGE MASTER HOMEOWNERS ASSOCIATION AND THE TOWN OF DAVIE POLICE DEPARTMENT FOR TRAFFIC CONTROL. (tabled from October 16, 2002)
- 8.10. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN IMAGINATION FARMS COMMUNITY ASSOC., INC. AND THE TOWN OF DAVIE POLICE DEPARTMENT FOR TRAFFIC CONTROL.
- 8.11. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN VISTA FILARE, A COMMUNITY ASSOCIATION, INC. AND THE TOWN OF DAVIE POLICE DEPARTMENT FOR TRAFFIC CONTROL.
- 8.12. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF HOLLYWOOD, PROVINCIAL REALTY ASSOCIATES, INC., AND THE TOWN OF DAVIE PROVIDING FOR TEMPORARY USE OF TOWN OF DAVIE'S WATER AND SEWER UTILITIES.
- 8.13. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE THE AMENDED AGREEMENT WITH DINA SAGARESE FOR PRESCHOOL PROGRAM AT IVANHOE COMMUNITY CENTER AND SHENANDOAH PARK ACTIVITY ROOM. (Instructor to be compensated 75%, not to exceed \$75,000)
- 8.14. **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPLICATION, APPROVAL AND EXECUTION OF A GRANT FOR FUNDING FOR THE 2003/2004 CULTURAL YOUNG AT ART PROGRAM ADMINISTERED BY THE BROWARD CULTURAL AFFAIRS COUNCIL, EDUCATION AND COMMUNITY DEVELOPMENT PROGRAM IN THE AMOUNT OF \$60,000. (\$30,000 matching funds)
- 8.15. **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND/OR

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APPROPRIATE STAFF TO SUBMIT AN APPLICATION, AND IF AWARDED PERMISSION TO ACCEPT GRANT FUNDING UNDER THE 2002 HOMELAND SECURITY GRANT PROGRAM. (No local cost share or match requirement)

- 8.16. **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR, TOWN ADMINISTRATOR AND APPROPRIATE STAFF TO SUBMIT AN APPLICATION FOR GRANT FUNDING UNDER "ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM", A PROGRAM ADMINISTERED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. (\$13,252)
- 8.17. **ACCESS ROAD** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, REQUESTING SUPPORT AND COOPERATION FROM THE BROWARD COUNTY SCHOOL BOARD CONCERNING THE CONSTRUCTION OF AN ACCESS ROAD ADJACENT TO FOX TRAIL ELEMENTARY SCHOOL.
- 8.18. **LINEAR PARK** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, REALLOCATING FUNDS TO CAPITAL PROJECTS ACCOUNTS FOR LINEAR PARK AND WESTRIDGE OPEN SPACE PARCELS FROM THE FLORIDA DEPARTMENT OF TRANSPORTATION GRIFFIN ROAD IMPROVEMENT PROJECT.
- 8.19. **LOCAL MITIGATION STRATEGY** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SUPPORTING THE LOCAL MITIGATION STRATEGY ADOPTED BY BROWARD COUNTY BOARD OF COMMISSIONERS IN MARCH 2000; AND PROVIDING FOR AN EFFECTIVE DATE.
- 8.20. **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH MILLER LEGG ASSOCIATES, INC. FOR COST RECOVERY CONSULTING SERVICES.
- 8.21. **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH CALVIN, GIORDANO ASSOCIATES, INC. FOR COST RECOVERY CONSULTING SERVICES.
- 8.22. **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH WALTER KELLER, INC. FOR COST RECOVERY CONSULTING SERVICES.
- 8.23. **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH LEIGH



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ROBINSON KERR & ASSOCIATES, INC. FOR COST RECOVERY  
CONSULTING SERVICES.

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- 8.24. **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH PMG ASSOCIATES, INC. FOR CONSULTING SERVICES TO DEVELOP AN ECONOMIC DEVELOPMENT AND FISCAL IMPACT ANALYSIS. (\$51,380)
- 8.25. **MAINTENANCE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING THE FIRM OF FIRST VEHICLE SERVICES TO PROVIDE VEHICLE MAINTENANCE SERVICES AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT FOR SUCH SERVICES.
- 8.26. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR SUPPLY AND INSTALLATION OF GUTTERS AND DOWNSPOUTS AT THE BERGERON RODEO GROUNDS. (\$15,740)
- 8.27. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE BID AWARDED BY THE CITY OF TAMARAC FOR QUICKLIME, SOUTHEAST FLORIDA COOPERATIVE PURCHASING GROUP BID #02-27B. (\$95,000)
- 8.28. **MITIGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A REQUEST FOR MITIGATION OF THE CODE COMPLIANCE LIEN, PAYMENT OF TOWN COSTS, ATTORNEY FEES AND COURT COSTS IN CASE NO. 96-181 FROM \$100,127.35 IN AMOUNT TO \$47,286.54; AND PROVIDING AN EFFECTIVE DATE. (Orandello offered \$31,000 with conditions)
- 8.29. **PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A SUBDIVISION PLAT KNOWN AS RIVERSTONE AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SUCH PLAT; AND PROVIDING AN EFFECTIVE DATE (P 6-5-02, 4200 Shotgun Road)
- 8.30. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO ENTER INTO AN INTERLOCAL AGREEMENT BETWEEN THE TOWN OF DAVIE AND BROWARD COUNTY TO PROVIDE FOR SUPPLEMENTAL BUILDING PERMIT PLAN REVIEW AND INSPECTION SERVICES, AND PROVIDING AN EFFECTIVE DATE. (\$42/hour on an as needed basis)
- 8.31. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ENTERING INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND MITCHELL CEASAR TO REPRESENT THE TOWN OF DAVIE FOR

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LEGISLATIVE AND GOVERNMENTAL CONSULTING SERVICES.  
(\$3,000/month)

- 8.32. **CARRYFORWARD FUNDS** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RATIFYING THE CRA PRIOR YEAR CARRYFORWARD FUNDS AND PLACING SUCH FUNDS INTO THE CRA BUDGET.
- 8.33. **PURCHASE OF PROPERTY** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE PURCHASE OF PROPERTY FROM F. W. HOLDING 441, INC.; AND PROVIDING FOR AN EFFECTIVE DATE. (\$665,000)
- 8.34. **PURCHASE OF PROPERTY** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, EXECUTING THE PURCHASE CONTRACT FOR THE PARCEL KNOWN AS SUNDANCE AT DAVIE, INC. (\$915,000)

*Temporary Use Permits*

- 8.35. TU 10-5-02, Town of Davie Police Athletic League, 15885 Pointe West Drive
- 8.36. TU 10-6-02, Town of Davie Police Athletic League, 2300 South University Drive
- 8.37. TU 10-7-02, International Tool Corporation, 2590 Davie Road

Councilmember Truex requested items 8.2, 8.24, 8.31, and 8.34 be removed from the Consent Agenda. Councilmember Paul requested that item 8.29 be removed. Councilmember Starkey requested that item 8.9 removed. She explained that this item was not complete and needed corrections and needed to be tabled.

Councilmember Paul made a motion, seconded by Vice-Mayor Clark, to approve the Consent Agenda without items 8.2, 8.9, 8.24, 8.29, 8.31, and 8.34. In a voice vote, all voted in favor.

8.9 Councilmember Starkey made a motion, seconded by Councilmember Paul, to table until December 4, 2002. In a voice vote, all voted in favor. (Motion carried 5-0)

8.2 Councilmember Truex made a motion, seconded by Vice-Mayor Clark, to table until December 4, 2002. In a voice vote, all voted in favor. (Motion carried 5-0)

8.24 Councilmember Truex referred to the staff's report regarding the fiscal impact analysis and noted that the second firm would provide the same services as the one chosen for a lesser fee. He stated that the Davie Economic Development Council (EDC) was in support of the second firm and he thought the Town would be better off because it would save approximately \$31,000. Councilmember Starkey stated that the two firms were not offering the same services as indicated in the staff's report.

Mayor Venis asked Mr. Willi if the second company addressed the needs of the Town as per Council's direction. He also wanted to know if the desired services could only be obtained by the first ranked company. Mr. Willi explained that the EDC had sent a letter stating they would withdraw their support for funding if Fishkind and Associates was not selected. Councilmember Starkey stated that Mr. Willi was incorrect as she had a letter from the EDC,

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which stated that they fully supported the number one choice. She voiced her frustration with how staff had handled this and felt that staff was not following directives from Council. Mr. Willi stated that he had not received the letter Councilmember Starkey referred to.

Mayor Venis suggested tabling this item. Councilmember Starkey felt this would prolong the study and reminded that there was a timeline.

Phil Gonot, representing PMG Associates, spoke of his firm's proposal and how it was tailored to keep costs down and to meet the needs of the Town.

Mr. Willi indicated that neither company had offered an exact fee. Mr. Gonot speculated that the two studies were not comparable.

Councilmember Paul felt that the study was to be very comprehensive and had expected the costs to be high.

Councilmember Starkey made a motion, seconded by Councilmember Paul, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

8.31 Councilmember Truex felt that the reports submitted by Mr. Ceasar were not really monthly reports and stated that Mr. Ceasar had listed accomplishments, which did not really impact the Town. He stated that he had a document that was given to him by Mr. Casale that showed Mr. Ceasar was going to act as a lobbyist for HTS Towing. Councilmember Truex felt this was a conflict because Mr. Ceasar was supposed to be working for the Town. Councilmember Truex was outraged that Mr. Ceasar had made a proposal to lobby the Town on behalf of another client. He stated he would not support the contract to rehire Mr. Ceasar.

Mr. Ceasar stated that the letter was unsigned and it did not affect his contract with the Town and expressed his outrage with Councilmember Truex's raising this issue. He indicated that he did not represent HTS and had he represented HTS he would have made full disclosure to the Town. Mr. Ceasar also stated that he would not discuss a potential client as it was inappropriate. Councilmember Paul agreed that the letter was irrelevant and should not be discussed.

Mr. Ceasar outlined the program of grants that he had established as per Council's directive and spoke of his coordination with the Town's grant writer. He stated that at this time, there were 11 grants pending that he initiated. Mr. Ceasar stated that he had attended the County Commission meeting regarding open space and a grant was approved for \$2 million.

Councilmember Starkey accused Mr. Ceasar of making false claims regarding his involvement with the open space grant and indicated that staff had worked very hard on this project. Mr. Ceasar stated that he had worked with the Town on choosing appropriate land masses for this grant and added that he had spoken on many occasions with Broward County Commissioner Lori Parrish regarding this issue. He went on to specify other grants and public funding he was pursuing for the Town.

Councilmember Paul stated that she had spoken with Mr. Ceasar via Mr. Willi and had directed him to address important issues affecting the Town. She indicated that she was satisfied with his response and felt he was very effective.

Councilmember Truex voiced his displeasure with Mr. Ceasar's performance and felt Mr. Ceasar was not trustworthy. Councilmember Starkey also felt that the Town was not getting any value from Mr. Ceasar.

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Councilmember Starkey asked if a "conflict of interest" clause could be added to Mr. Ceasar's contract that prevented him from lobbying the Town for other clients. Mr. Ceasar stated he would be more than happy to oblige.

Councilmember Paul made a motion, seconded by Vice-Mayor Clark, to approve based on the discussion that a conflict of interest clause be added to the contract and more detailed reports be given monthly. In a voice vote, with Councilmember Starkey and Councilmember Truex dissenting, all voted in favor. (Motion carried 3-2)

8.34 Councilmember Truex asked if the drainage issue had been resolved. Councilmember Paul indicated that it was and referred to a memo from Mr. Laystrom that so indicated. Mr. Willi felt that the contract provided enough levity to work out whatever situation might arise.

Councilmember Truex made a motion, seconded by Vice-Mayor Clark, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

8.29 Councilmember Paul indicated that she did not notice where the wetlands would be on the north side on the new map.

An unidentified man stated that the wetlands were depicted in the site plan.

Councilmember Paul made a motion, seconded by Vice-Mayor Clark, to approve. In a voice vote, with Councilmember Starkey being out of the room, all voted in favor. (Motion carried 4-0)

## 9. PUBLIC HEARINGS

### *Ordinances - Second and Final Reading*

9.1. **AMEND FEE SCHEDULE** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE CURRENT FEE SCHEDULE FOR THE DEVELOPMENT SERVICES DEPARTMENT TO INCLUDE REVISED FEES FOR THE BUILDING, ENGINEERING, AND PLANNING AND ZONING DIVISIONS OF THE TOWN OF DAVIE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Muniz read the ordinance by title.

Mayor Venis opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Vice-Mayor Clark made a motion, seconded by Councilmember Truex, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Clark - yes; Councilmember Paul - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 5-0)

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- 9.2. **ANNEXATION** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA ANNEXING TO THE TOWN OF DAVIE, THE WEST ONE-HALF OF THE NORTH ONE-HALF OF THAT PART OF A STRIP OF LAND KNOWN AS THE "NEUTRAL STRIP", LYING BETWEEN NEWMAN'S SURVEY OF TOWNSHIP 50 SOUTH, RANGE 41 EAST, AND TOWNSHIP 50 SOUTH, RANGE 40 EAST, AND LYING WEST OF TRACT 25 BETWEEN THE NORTH AND SOUTH LINES OF SAID TRACT 25, EXTENDING IN A WESTERLY DIRECTION OF SAID NEWMAN'S SURVEY OF SECTION 30; LYING AND BEING IN BROWARD COUNTY, FLORIDA, PLUS ANY INTEREST OF PETITIONER IN ADJACENT PUBLIC RIGHTS-OF-WAY. (Irene Johnson, 11200 Griffin Road)

Town Clerk Muniz read the ordinance by title.

Mayor Venis opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Paul made a motion, seconded by Vice-Mayor Clark, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Clark - yes; Councilmember Paul - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 5-0)

*Ordinances - First Reading (Second and Final Reading to be held at a later date)*

- 9.3. **TRANSMITTAL** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS, APPLICATION LA(TXT)02-10 AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE ELEMENT TEXT TO ESTABLISH POLICIES AND OBJECTIVES WHICH ENCOURAGE THE PRESERVATION AND ENHANCEMENT OF THE TOWN'S RURAL LIFESTYLE AND EQUESTRIAN LIFESTYLE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from October 16, 2002)

Mayor Venis advised that a public hearing would be held at a later date. Town Clerk Muniz read the ordinance by title.

Mayor Venis opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Truex asked Mr. Kiar if a supermajority vote was required for this item. Mr. Kiar referred to his October 18th memo which indicated that a supermajority vote was necessary. He read his report which provided that this proposal would significantly alter the Town's Land Use Plan.

Councilmember Truex indicated that he was in favor of this ordinance except for the reference to the open space design overlay. He appealed to Councilmember Starkey to vote with him on this issue.

Councilmember Paul questioned if deleting this reference would make the amendment any less effective. Planning and Zoning Manager Fernando Leiva felt it would not have any major effects on what the Town was trying to achieve.

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Councilmember Truex made a motion, seconded by Councilmember Starkey, to approve less the references to open space design overlay (17-11(D)). In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Clark - yes; Councilmember Paul - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 5-0)

Councilmember Paul asked if this reference could be added at a later date if necessary. Mr. Kiar replied affirmatively.

- 9.4. **RECONSIDERATION OF TRANSMITTAL - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING, FOR TRANSMITTAL TO THE DEPARTMENT OF COMMUNITY AFFAIRS, APPLICATION LA 02-8, AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE PLAN MAP DESIGNATION OF CERTAIN LANDS FROM "COMMERCIAL" TO "REGIONAL ACTIVITY CENTER"; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE. (7911 Orange Drive) (tabled from October 16, 2002)**

This item was withdrawn earlier in the meeting.

*Resolution*

- 9.5. **PURCHASE OF PROPERTY - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE FINALIZATION OF THE PURCHASE OF REAL PROPERTY FROM COVENANT HOUSE FLORIDA, INC., AND THE SETTLEMENT OF A LAWSUIT NOW PENDING IN THE SEVENTEENTH JUDICIAL CIRCUIT, IN AND FOR BROWARD COUNTY, FLORIDA STYLED COVENANT HOUSE FLORIDA, INC., PETITIONER, VS. TOWN OF DAVIE, RESPONDENT, CASE NUMBER 02-011871 CACE (04)**

Town Clerk Muniz read the resolution by title.

Mayor Venis opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Truex made a motion, seconded by Vice-Mayor Clark, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Clark - yes; Councilmember Paul - out of room; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 4-0)

*Site Plan Modification*

- 9.6. SP 8-2-02, Broward Plaza, 4815 South State Road 7 (Griffin Corridor District, State Road 7 Node) *Site Plan Committee recommended approval subject to staff's report and that the handicapped parking changes be made prior to final site plan approval by staff*

Mr. Leiva summarized the staff report.

Mayor Venis opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Tom Carusso, representing the petitioner, was present.

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Vice-Mayor Clark made a motion, seconded by Councilmember Truex, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice-Mayor Clark - yes; Councilmember Paul - yes; Councilmember Starkey - yes; Councilmember Truex - yes. (Motion carried 5-0)

*Items to be Tabled*

**9.7. PETITIONER REQUESTING A TABLING TO DECEMBER 4, 2002**

ZB 2-1-02, Voight/Hanmi Baptist Church, 2150 Flamingo Road

This item was tabled earlier in the meeting.

**9.8. PETITIONER REQUESTING A TABLING TO DECEMBER 4, 2002**

V 2-1-02, Voight/Hanmi Baptist Church, 2150 Flamingo Road

This item was tabled earlier in the meeting.

**10. APPOINTMENTS**

10.1. Parks and Recreation Advisory Board Agency (one exclusive appointment - Vice-Mayor Clark and Councilmembers Truex and Paul; terms expire April 2004) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

Vice-Mayor Clark and Councilmembers Paul and Truex deferred their appointments.

10.2. Child Safety Board (one exclusive appointment - Councilmember Starkey and Mayor Venis; terms expire April 2004) (whenever possible, members shall have interest and expertise in law enforcement, elementary school instruction, child psychology, pediatric medicine, parenthood and grandparenthood)

Mayor Venis and Councilmember Starkey deferred their appointments. Councilmember Paul urged residents to get involved and asked that the Town encourage high school students to volunteer.

10.3. Open Space Advisory Committee (one exclusive appointment - Councilmember Starkey and Mayor Venis; terms expire April 2004)

Mayor Venis and Councilmember Starkey deferred their appointments.

There was discussion regarding committees that were not meeting due to the holidays and the deadline for annual reports from those committees.

**11. OLD BUSINESS**

11.1. Code of Ethics

Councilmember Truex had gathered information regarding a Code of Ethics and asked that this item be on the November 20, 2002 agenda.

**12. NEW BUSINESS**

12.1. Council Attendance and Rotunda Booth at Broward Days (March 19-20, 2003)



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Mr. Willi stated that Broward Days was scheduled March 19 and 20, 2003 and reported that the Town was invited to create a display to be placed in the Capitol's Rotunda. He asked if Council wanted to "man" the booth or if they preferred to have a staff member in attendance.

Councilmember Paul and Councilmember Starkey liked the idea of Council being present at the booth along with staff members.

Mr. Willi advised that annual reports from Town Boards were due on January 31, 2003. It was clarified that Board members were to be registered voters unless they were under the age of 18 or were legal aliens.

**13. ADJOURNMENT**

There being no further business to discuss and no objections, the meeting adjourned at 10:15 p.m.

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor/Councilmember

\_\_\_\_\_  
Town Clerk